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Attorney for Defendant

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CLERK, U. S. DISTRICT COURT
DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 04-00401 HG
)
vs.	) DEFENDANT'S <i>EX PARTE</i> MOTION
	) MOTION FOR AUTHORIZATION TO
GEORGE KEAHI, JR., (01)	) HIRE DR. WILLIAM TSUSHIMA, PH.D.
aka "Uncle Louie,"	) TO TESTIFY AT THE SENTENCING
aka "Opelu,"	) OF DEFENDANT VANDER VELDE;
BRIAN U'U, (02)	) DECLARATION OF JACK
ARNOLD C. ARRUIZA (03)	) SCHWEIGERT, ESQ.; ORDER
MARY H. VANDERVELDE, (04)	) CERTIFICATE OF SERVICE
CHRIS TOLBERT (05))
)
Defendants.	) Sentencing: May 16, 2006 @ 2:00 p.m.
)

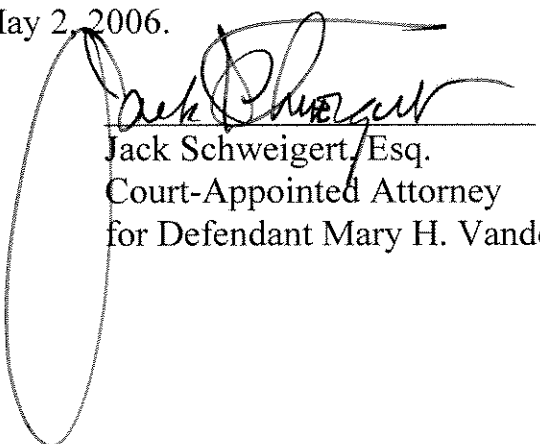
DEFENDANT'S *EX PARTE* MOTION FOR AUTHORIZATION
TO HIRE DR. WILLIAM TSUSHIMA, PH.D. TO TESTIFY
AT THE SENTENCING OF DEFENDANT VANDER VELDE

COMES NOW DEFENDANT Mary H. Vander Velde, by and through counsel,
and moves this Honorable Court, *ex parte*, to authorize defense counsel to hire Dr.
William Tsushima, Ph.D. to testify at the sentencing of Defendant Mary H. Vander
Velde. By this motion, it is requested the Court allow Dr. Tsushima to be paid \$250 per
hour for professional services for a total of \$750 which will be paid in accordance with

Dr. Tsushima's submittal of a CJA Authorization form 21 upon completion of his services.

This motion is made pursuant to 18 U.S.C. § 3006A(e)(3) and is supported by the attached declaration of counsel and the record and file.

DATED: Honolulu, Hawaii; May 2, 2006.



Jack Schweigert / Esq.
Court-Appointed Attorney
for Defendant Mary H. Vandervelde

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00401 HG
)	
vs.)	
)	
GEORGE KEAHI, JR., (01))	
aka "Uncle Louie,")	
aka "Opelu,")	
BRIAN U'U, (02)	)	DECLARATION OF JACK
ARNOLD C. ARRUIZA (03)	)	SCHWEIGERT, ESQ.
MARY H. VANDERVELDE, (04))	
CHRIS TOLBERT (05))	
)	
Defendants.	)	Sentencing: May 16, 2006 @ 2:00 p.m.
)	

DECLARATION OF JACK SCHWEIGERT, ESQ.

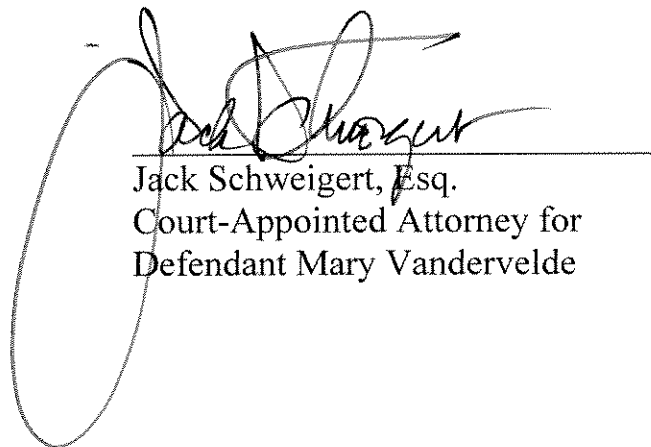
I, Jack Schweigert, Esq., declare as follows:

1. I am Defendant Mary H. Vander Velde's court appointed counsel in this case.
2. Dr. Tsushima was brought into this case by way of a Stipulation filed with the Court on March 21, 2006. Dr. Tsushima was hired to do a full psychological workup and written report on Ms. Vander Velde, for which he has already been authorized to be paid \$1,500.
3. I believe Ms. Vander Velde suffers psychological problems that warrant a downward departure pursuant to U.S.S.G. § 5K2.13, which is supported by Dr. Tsushima's report dated March 28, 2006 previously submitted to the Court.

4. I have talked to Dr. Tsushima since the writing of his report. Based on that conversation, I believe the doctor would be able to provide testimony that goes beyond the opinions set forth in his earlier report to the Court. More specifically, Dr. Tsushima has the opinion that Ms. Vander Velde did suffer a significantly reduced mental capacity that contributed substantially to the commission of the offense. This is relevant testimony pursuant to U.S.S.G. § 5K2.13 (dealing with diminished capacity), and 18 U.S.C. § 3553(a)(2)(D) (dealing with the Court's ability to impose a sentence that includes psychological treatment).

I declare under penalty of perjury the foregoing is true and correct.

Executed in Honolulu, Hawaii, May 2, 2006.



Jack Schweigert, Esq.
Court-Appointed Attorney for
Defendant Mary Vandervelde

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00401 HG
)	
vs.)	
)	
GEORGE KEAHI, JR., (01))	
aka "Uncle Louie,")	
aka "Opelu,")	
BRIAN U'U, (02)	)	ORDER
ARNOLD C. ARRUIZA (03))	
MARY H. VANDERVELDE, (04))	
CHRIS TOLBERT (05))	
)	
Defendants.	)	Sentencing: May 16, 2006 @ 2:00 p.m.
_____)	

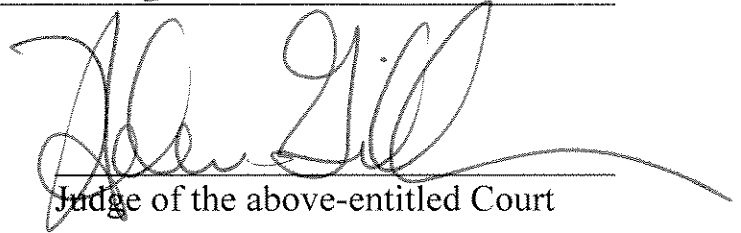
ORDER

Defendants motion for authorization to hire Dr. William Tsushima, Ph.D. to testify at the sentencing of Defendant Vander Velde was presented to this Court by way of *ex parte* motion. Having considered the motion, the Court finds the requisite good cause to exist for granting it. NOW THEREFORE,

IT IS HEREBY ORDERED that Defendant's *Ex Parte* Motion to Hire Dr. William Tsushima, Ph.D. to Testify at Sentencing is GRANTED. Defense counsel is authorized to retain Dr. Tsushima for the sentencing of this matter and pay him \$250

per hour up to \$750 total which will be paid after Dr. Tsushima submits the requisite CJA 21 Authorization form.

DATED: Honolulu, Hawaii; 5.11.06


Judge of the above-entitled Court

U.S.A. v. Vandervelde, Cr. No. 04-401 HG; Order Granting

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00401 HG
)	
vs.)	
)	
GEORGE KEAHI, JR., (01)	)	CERTIFICATE OF SERVICE
aka "Uncle Louie,")	
aka "Opelu,")	
BRIAN U'U, (02))	
ARNOLD C. ARRUIZA (03))	
MARY H. VANDERVELDE, (04))	
CHRIS TOLBERT (05))	
)	
Defendants.	)	Sentencing: May 16, 2006 @ 2:00 p.m.
_____)

CERTIFICATE OF SERVICE

The below-signed certifies that one copy of the attached motion was served on the following individual via hand delivery on May 4th 2006 at the address indicated:

Thomas Muehleck, Esq.
Assistant U.S. Attorney
300 Ala Moana Blvd., Suite 6-100
Honolulu, HI 96850
Attorney for U.S.A.



Person certifying service